



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,141	11/30/2005	Norimasa Fujimoto	5703-000013/US/NP	9542
27572	7590	12/12/2007	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			GAMI, TEJAL	
P.O. BOX 828			ART UNIT	PAPER NUMBER
BLOOMFIELD HILLS, MI 48303			2121	
			MAIL DATE	DELIVERY MODE
			12/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/559,141	<b>Applicant(s)</b> FUJIMOTO ET AL.	
	<b>Examiner</b> Tejal J. Gami	<b>Art Unit</b> 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12, 17-24, 26-28 and 30-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-12, 17-24, 26-28 and 30-50 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-6 and 45-50, drawn to a terminal device, classified in class 709, subclass 225.
- II. Claims 7-12 and 41, 42, and 44, drawn to an automatic introduction apparatus, classified in class 359, subclass 430.
- III. Claims 17-23 and 27, drawn to a plural telescopes, plural automatic introduction apparatuses, a single terminal device and connecting means for the automatic introduction apparatuses and the terminal device, classified in class 345, subclass 632.
- IV. Claims 24, 26, and 43, drawn to plural terminal devices, a single automatic introduction apparatus, and a priority sequence, classified in class 359, subclass 399.
- V. Claims 28 and 34-36, drawn to a controller with a web server, plural automatic introduction apparatuses, connecting means for the controller and automatic introduction apparatuses, and controller executes ranking, classified in class 700, subclass 59.
- VI. Claims 30-33, drawn to a controller with a web server, plural automatic introduction apparatuses, connecting means for the controller and automatic introduction apparatuses, and controller executes classifying type of user, classified in class 318, subclass 685.

- VII. Claims 37-40, drawn to plural automatic introduction apparatuses, sequential and shifting control, and plural telescopes, classified in class 33, subclass 268.

The inventions are distinct, each from the other because of the following reasons: Inventions I, II, III, IV, V, VI and VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. See MPEP § 806.05(d). In the instant case, the subcombinations have separate utility such as the automatic introduction apparatus does not require a terminal device, as required by invention I; the terminal device does not require an automatic introduction apparatus, as required by invention II; the automatic introduction apparatus and terminal device does not require a connecting means, as required by invention III; the terminal device and automatic introduction apparatus does not require a priority sequence, as required by invention IV; the automatic introduction apparatus does not require a controller executed ranking, as required by invention V; the automatic introduction apparatus does not require controller executed type of user classifying, as required by invention VI; and the automatic introduction apparatus does not require sequential and shifting control, as required by invention VII.

As presently filed, and with respect to the explanation of this restriction requirement, claims 1-6 and 45-50 are subcombinations useable together in the same

combination, wherein these claims are representative of different features disclosed with respect to the "terminal device." These claims 1-6 and 45-50 are notated as subcombination group I.

As presently filed, and with respect to the explanation of this restriction requirement, claims 7-12 and 41, 42, and 44 are subcombinations useable together in the same combination, wherein these claims are representative of different features disclosed with respect to the "automatic introduction apparatus." These claims 7-12 and 41, 42, and 44 are notated as subcombination group II.

As presently filed, and with respect to the explanation of this restriction requirement, claims 17-23 and 27 are subcombinations useable together in the same combination, wherein these claims are representative of different features disclosed with respect to the "plural telescopes, plural automatic introduction apparatuses, a single terminal device and connecting means for the automatic introduction apparatuses and the terminal device." These claims 17-23 and 27 are notated as subcombination group III.

As presently filed, and with respect to the explanation of this restriction requirement, claims 24, 26, and 43 are subcombinations useable together in the same combination, wherein these claims are representative of different features disclosed with respect to the "plural terminal devices, a single automatic introduction apparatus, and a priority sequence." These claims 24, 26, and 43 are notated as subcombination group IV.

As presently filed, and with respect to the explanation of this restriction requirement, claims 28 and 34-36 are subcombinations useable together in the same combination, wherein these claims are representative of different features disclosed with respect to the "a controller with a web server, plural automatic introduction apparatuses, connecting means for the controller and automatic introduction apparatuses, and controller executes ranking." These claims 28 and 34-36 are notated as subcombination group V.

As presently filed, and with respect to the explanation of this restriction requirement, claims 30-33 are subcombinations useable together in the same combination, wherein these claims are representative of different features disclosed with respect to the "a controller with a web server, plural automatic introduction apparatuses, connecting means for the controller and automatic introduction apparatuses, and controller executes classifying type of user." These claims 30-33 are notated as subcombination group VI.

As presently filed, and with respect to the explanation of this restriction requirement, claims 37-40 are subcombinations useable together in the same combination, wherein these claims are representative of different features disclosed with respect to the "plural automatic introduction apparatuses, sequential and shifting control, and plural telescopes." These claims 37-40 are notated as subcombination group VII.

To summarize, the applicant should elect I, II, III, IV, V, VI or VII.

The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejal J. Gami whose telephone number is (571) 270-1035. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent can be reached on (571) 272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Application/Control Number:  
10/559,141  
Art Unit: 2121

Page 8

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David Vincent  
Supervisory Patent Examiner  
Tech Center 2100

TJG  
TJG

*R. D. Hartman, Jr.*  
RONALD HARTMAN, JR.  
PRIMARY EXAMINER  
12/9/2007